

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

JOHN HOLLINGSBED,

Petitioner,

vs.

DONALD BARROW, Warden,

Respondent.

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5:05CV10 (DF)

ORDER

This order hereby adopts and incorporates the Recommendation that United States Magistrate Judge Claude W. Hicks, Jr. entered in this case on April 12, 2005 (tab 12). Neither party has served or filed written objections to the Magistrate Judge's Recommendation with the Court.

Accordingly, Petitioner's § 2254 Application for Writ of Habeas Corpus (tab 1) is hereby **DISMISSED** for failure to comply with the Magistrate Judge's order; Respondent's Motion to Dismiss for Lack of Exhaustion and as Untimely (tab 7) is hereby **GRANTED** as uncontested.

SO ORDERED, this 4th day of May, 2005.

/s/ Duross Fitzpatrick
DUROSS FITZPATRICK, JUDGE
UNITED STATES DISTRICT COURT

DF/sew